IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11206 of 2002

For Approval and Signature:

THE HON'BLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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SUKHIBEN WD/O SUKHABHAI NATHUBHAI PATEL - Petitioner(s)

Versus

AMRUTBHAI RAVJIBHAI PATEL &3 - Respondent(s)

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Appearance :

MR RN SHAH for Petitioner No(s).: 1.

None for Respondent No(s).: 1.
MR JB PARDIWALA for Respondent No(s).: 1,1 - 1.
RULE NOT RECD BACK for Respondent No(s).: 1,3.
RULE UNSERVED for Respondent No(s).: 2.

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CORAM :THE HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 30/06/2005

ORAL JUDGMENT

1. Having heard Mr. RN Shah, learned advocate for the petitioner and Mr.Pardiwala, learned advocate for respondent Nos.1/1 to 1/ 4 and having perused the impugned order dated 13.9.2002 recorded below Ex.169 in Regular Civil Suit No.87 of 1989 by the learned Second Joint Civil Judge (SD), Navsari by which the Court Commissioner was directed to get the suit property measured and to prepare map through expert measuring officer and divide the suit property as per preliminary decree amongst the parties with the help of measuring officer by giving northern side to defendant in the suit, according to this court, no infirmity much less jurisdictional error is committed by the learned trial Judge in passing the impugned order requiring interference at the hands of this court in exercise of powers under Article 227 of the Constitution. Hence, the petition lacks merit and deserves to be rejected.

2. For the foregoing reasons, the petition fails and accordingly it is rejected with no order as to costs. Rule is discharged. Interim relief, if any, stands vacated.

(A.M. Kapadia, J.)

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